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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,010	10/19/2004	Erik Johnsson	35301	8399
23589	7590	08/02/2006	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			VALENTI, ANDREA M	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/512,010

Applicant(s)

JOHANSSON ET AL.

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 6 and 17-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation "the milking stall" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 is rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, 10-16, 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent EP 0207572 to Van der Lely.

Regarding Claim 1, Van der Lely teaches a device for cleaning the teats of an animal including at least one first conduit member (Van der Lely Fig. 3 #24 and page 9 line 36–38) and at least one teat-cleaning member (Van der Lely Fig. 2 #16) which is connectable via the first conduit member to a central arrangement for supplying cleaning liquid and discharging waste liquid wherein: the teat-cleaning member

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includes at least two teat-cleaning cups (Van der Lely #16 connected go #17 of Fig. 3 and page 9 line 1-2) to be applied to a respective teat of the animal, the conduit assembly and two second conduit member (Van der Lely #24 and 25 above element #34 of Fig. 3) extending between a respective one of the teat-cleaning cups and the conduit assembly and wherein each teat-cleaning cup is connected to the central arrangement via the respective second conduit member and the first conduit members for supplying of cleaning liquid and providing for discharging of waste liquid.

Regarding Claims 2 and 4, Van der Lely teaches the central arrangement (Van der Lely water under pressure through #24) is arranged to discharge the waste (Van der Lely #25) liquid by applying a pressure significantly lower than the atmospheric pressure to the teat-cleaning cups via the conduit members

Regarding Claims 3, Van der Lely teaches supply conduit (Van der Lely #24) and discharge conduit (Van der Lely #25) for each teat cleaning cup.

Regarding Claims 5, 7 and 8, Van der Lely teaches a connection member (Van der Lely Fig. 3 #34).

Regarding Claims 10 and 11, Van der Lely teaches a grip member (Van der Lely #19).

Regarding Claim 12-14 and 16, Van der Lely teaches a carrying arrangement (Van der Lely Fig. 3 #37) to permit the teat cleaning member to be movable from inactive to an active position (Van der Lely #41).

Regarding Claim 15, Van der Lely teaches the carrying arrangement adapted to permit the teat cleaning member to be attached to the animal and follow the animal

during movement (applicant has not claimed free movement or a length of movement, thus Van der Lely's device does move at least an inch to the left or right side if the animal sways slightly in either direction).

Regarding Claim 23, Van der Lely teaches the teat cleaning cup includes a lower end and an upper end with an inner space, the upper end defining an opening for the introduction of the teat to be cleaned (Van der Lely Fig. 2 #17).

Regarding Claims 24 and 25, Van der Lely teaches a flexible lip (Van der Lely #19).

Regarding Claim 26, Van der Lely teaches the teat-cleaning device includes a retracting member (Van der Lely Fig. 1 #8 and 9).

Regarding Claim 27, Van der Lely teaches a milking stall (Van der Lely Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent EP 0207572 to Van der Lely.

Regarding Claims 28 and 29, Van der Lely is silent on a plurality of milking stalls and the configuration of the milking stall. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Van der Lely at the time of the invention since the modification is merely a duplication of a known element for a

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multiple effect and the configuration is merely an engineering design choice involving the selection of a known milking stall configuration to efficiently meet the needs of the farmer depending on the size of the herd and space constraints [*In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1990)].

Regarding Claim 30, Van der Lely teaches a pneumatic application of the teat cups (Van der Lely #9), but is silent on explicitly teaching it is automatic. However, it is old and well-known to provide automatic milking equipment for large scale dairy farms to reduce labor for fast and efficient operations. It would have been obvious to one of ordinary skill in the art to modify the teachings of Van der Lely at the time of the invention since the engineering design choice of automating a system is an obvious modification for one of ordinary skill in the art for efficient operation [*In re Venner*, 262 F.2d 91, 95, 120 USPQ 192, 194 (CCPA 1958)].

Regarding Claim 9, Van der Lely is silent on the second conduit member being rigid. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Van der Lely at the time of the invention since the modification is merely an engineering design choice involving the selection of a known material to prevent kinking in the lines.

Allowable Subject Matter

Claims 6 and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U.S. Patent No. 3,556,053; U.S. Patent No. 5,291,853; U.S. Patent No. 5,862,776; U.S. Patent No. 4,924,809; U.S. Patent No. 6,098,570; U.S. Patent No. 6,334,406; U.S. Patent Pub. No. 2002/0185071; U.S. Patent Pub. No. US 2004/0231603; U.S. Patent Pub. No. US 2003/0226520; U.S. Patent No. 6,684,809; U.S. Patent No. 6,401,654.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrea M. Valenti
Primary Examiner
Art Unit 3643

25 July 2006